

### **REMARKS**

This responds to the Office Action dated August 8, 2005, and the references cited therewith.

Claims 16-20 and 23-25 are amended, claims 1-15 and 26-28 are canceled; as a result, claims 16-25 are now pending in this application.

#### **Objection to the Claims**

Claim 11 was objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 13. Claims 11 and 13 have been cancelled without prejudice or disclaimer.

#### **§112 Rejection of the Claims**

Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-15 and 26-28 are herein cancelled without prejudice or disclaimer. The remaining claims were amended to remove the term thermal decay. Reconsideration and allowance are respectfully requested.

#### **§102 Rejection of the Claims**

Claims 1-11 and 13-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sherman (U.S. Patent No. 6,059,778). Claims 1-11 and 13-15, and 26-28 are cancelled without prejudice or disclaimer.

#### **Claims 16-22**

Applicant has amended claim 16 to better describe the subject matter recited in the claim. Applicant believes that claim 16 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: a catheter having ... a tip electrode having a thermal time constant of approximately 240 ms; and wherein the power control system delivers an energy pulse of between approximately 0.01 ms to 4 ms, and the on portions and off portions of the duty cycle have a ratio of between 50% - 100%, as recited in claim 16. In contrast, the cited reference discusses

controlling the duty cycle of energy delivered via ring electrodes 32. There is no discussion of any details of tip electrode 36.

Claims 17-22 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

#### Claims 23-25

Applicant has amended claim 23 to better describe the subject matter recited in the claim. Applicant believes that claim 23 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: delivering RF energy to a tissue from a tip electrode having a thermal constant of approximately 240 ms; and controlling the RF energy such that the RF energy is delivered in an energy pulse of between approximately 0.01 ms to 4 ms, and a duty cycle having a ratio of between 50% - 100%, as recited in claim 23. Again, the cited reference discusses controlling the duty cycle of energy delivered via ring electrodes 32. There is no discussion of any details of tip electrode 36.

Claims 24-25 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

#### §103 Rejection of the Claims

Claims 6-8, 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman (U.S. Patent No. 6,059,778). Claims 6-8, 12, and 15 have been cancelled without prejudice or disclaimer.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 2/8/06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22316-1450, on this 8 day of February, 2006.

Paula Suchy

Name

Paula Suchy

Signature